

Image ID:
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SUMMONS

Doc. No. 136340

IN THE DISTRICT COURT OF Hall COUNTY, NEBRASKA
111 West First, Suite 4
Grand Island NE 68801

Scott Sheeks v. CNH Industrial, LLC

Case ID: CI 21 3

TO: CNH Industrial, LLC

FILED BY

Clerk of the Hall District Court
01/04/2021

You have been sued by the following plaintiff(s):

Scott Sheeks

Plaintiff's Attorney: Jonathan V Rehm
Address: 3701 Union Drive, Suite 200
Lincoln, NE 68516

Telephone: (402) 420-1400

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: JANUARY 4, 2021

BY THE COURT:

Valerie Bendylen
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

CNH Industrial, LLC
3445 West Stolley Park Road
Grand Island, NE 68803

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

EXHIBIT

A

SERVICE RETURN

Doc. No. 136340

HALL DISTRICT COURT
111 West First, Suite 4
Grand Island NE 68801

To:

Case ID: CI 21 3 Scott Sheeks v. CNH Industrial, LLC

Received this Summons on _____, _____. I hereby certify that on
_____, ____ at _____ o'clock __M. I served copies of the Summons
upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage ____miles _____

TOTAL \$ _____

Date: _____ BY: _____
(Sheriff or authorized person)

**CERTIFIED MAIL
PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,
TO THE PARTY: _____

At the following address: _____

on the _____ day of _____, as required by Nebraska state law.

Postage \$ _____ Attorney for: _____

The return receipt for mailing to the party was signed on _____, _____.

To: CNH Industrial, LLC
3445 West Stolley Park Road
Grand Island, NE 68803

From: Jonathan V Rehm
3701 Union Drive, Suite 200
Lincoln, NE 68516

ATTACH RETURN RECEIPT & RETURN TO COURT

IN THE DISTRICT COURT OF HALL COUNTY, NEBRASKA

SCOTT SHEEKS,)	Case No. _____
)	
Plaintiff,)	
)	
vs.)	COMPLAINT AND PRAECIPE
)	
CNH INDUSTRIAL LLC,)	
)	
Defendant.)	

Plaintiff alleges:

1. That defendant is a manufacturing company with a facility in Grand Island, Hall County, Nebraska.
2. That plaintiff had been employed with the defendant at the Grand Island facility since January 2, 2007.
3. That all facts relevant to this case took place in Grand Island, Nebraska.
4. That this cause of action arises under the Family Medical Leave Act, 29 USC 2601, et al., so jurisdiction is proper in the District Court of Hall County, Nebraska.
5. That defendant employs more than 50 people at the Grand Island facility.
6. That plaintiff was terminated by the defendant on July 31, 2020.
7. That plaintiff had worked more than 1250 hours in the 12 months before his termination.

Facts

8. Plaintiff incorporates Paragraphs 1-7 into this section.
9. That on or about July 15, 2020, that plaintiff broke his left big toe outside of work.
10. That plaintiff communicated this to defendant's company health nurse, Julie Mayer, via text on July 15, 2020.
11. That plaintiff sought treatment with Premise Health Employers Health Care on July 15, 2020. Plaintiff was restricted from working until July 20, 2020. At that

time, his doctors believed he could return to work so long as he wore a walking boot.

12. Part of the accommodation was that plaintiff would be unable to wear steel toe protective covering over his boot or shoes.
13. That plaintiff was to return to visit his doctor on August 12, 2020.
14. That plaintiff shared this medical note with the defendant through their employee health office.
15. That the plaintiff's supervisor was unable to accommodate this request as it was necessary for him to wear a steel toe covering.
16. That once plaintiff found out he would be unable to work without a steel toe covering, the plaintiff applied for short-term disability (STD) and FMLA through Sun Life from July 16, 2020 – August 12, 2020.
17. That Julie Mayer told plaintiff that she was not happy that he had applied for FMLA benefits for four weeks.
18. That Sun Life partially denied plaintiff's STD/FMLA application for the dates of July 23, 2020 – August 12, 2020 for the reason that they believed he had returned to work.
19. That from July 16, 2020 – July 28, 2020, plaintiff attempted to work with Mayer to accommodate his restriction of not being able to wear a steel toe covering.
20. That plaintiff moved up his next medical appointment from August 12, 2020 to July 29, 2020 in an effort to return to work with the defendant.
21. That on July 29, 2020, plaintiff's medical providers still found that plaintiff needed to wear a steel toe cover. Plaintiff's medical providers also kept him off of work for the dates of July 27-29th.
22. That on July 30, 2020, plaintiff had a meeting about returning to work, but that meeting was postponed because one necessary party needed to attend a funeral.
23. That on July 31, 2020 plaintiff was told that he was fired for no-call, no-show.
24. That that reason is false for the reasons stated previously.

Count 1

25. Plaintiff incorporates Paragraphs 1-24 into this count.
26. That defendant interfered with plaintiff's ability to take FMLA leave and retaliated against him for taking FMLA leave.
27. That defendant intentionally violated plaintiff's rights under the FMLA.

Prayer for Relief and Request for Jury

Wherefore, plaintiff requests all available relief from this court and a trial by jury to determine the rights and liabilities of all parties.

SCOTT SHEEKS, Plaintiff

REHM, BENNETT,
MOORE & REHM, P.C., L.L.O.
3701 Union Dr., #200
Lincoln, NE 68516
(402) 420-1400
E-mail: jonrehm@rehmlaw.com



For the firm: _____
Jon Rehm #23097

PRAECIPE

To the Clerk of Said Court:

Please issue summons in the above-entitled action for service by certified mail, with a copy of the Complaint attached thereto for service on the Defendant at:

CNH Industrial LLC
3445 West Stolley Park Road
Grand Island, NE 68803

Summons should be mailed and/or sent by electronic mail to Plaintiff's attorney for service by certified mail.

SCOTT SHEEKS, Plaintiff

REHM, BENNETT,
MOORE & REHM, P.C., L.L.O.
3701 Union Dr., #200
Lincoln, NE 68516
(402) 420-1400
E-mail: jonrehm@rehmlaw.com



For the firm: _____
Jon Rehm #23097